

Message Text

UNCLASSIFIED

PAGE 01 STATE 080631

15

ORIGIN DLOS-02

INFO OCT-01 NEA-01 ISO-00 /004 R

66615

DRAFTED BY D/LOS: OEEKIN

APPROVED BY D/LOS: OTHO E. ESKIN

----- 062747

R 092042Z APR 75

FM SECSTATE WASHDC

TO AMEMBASSY DACCA

UNCLAS STATE 080631

FOL REPEAT GENEVA 2298 SENT ACTION SECSTATE

USUN APR 3

QTE

UNCLAS GENEVA 2298

.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS: COMMITTEE II WORKING GROUP ON BASELINES

FROM USDEL LOS

FOLLOWOING IS CONSOLIDATED TEXT PREPARED IN COMMITTEE II BY SMALL
WORKING GOURP ON BASELINES. BEGIN TEXT:

PROVISION 4, ANTE

THE OUTER LIMIT OF THE TERRITORIAL SEA IS THE LINE EVERY POINT
OF WHICH IS AT A DISTANCE FROM THE NEAREST POINT OF THD OASE-
LINE EQUAL TO THE BREADTH OF THE TERRITORIAL SEA.

PROVISION 4

EXCEPT WHERE OTHERWISE PROVIDED IN THESE ARTICLES, THE NORMAL
BASELINE FOR MEASURING THE BREADTH OF THE TERRITORIAL SEA IS
THE LOW-WATER LINE ALONG THE COAST AS MARKED ON LARGE-SCALE
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 080631

CHARTS OFFICIALLY RECOGNIZED BY THE COASTAL STATE.

PROVISION 4 BIS

IN THE CASE OF ATOLLS OR OF ISLANDS HAVING FRINGING REEFS, THE BASELINE FOR MEASURING THE BREADTH OF THE TERRITORIAL SEA SHALL BE THE SEAWARD EDGE OF THE REEF, AS SHOWN BY THE APPROPRIATE SYMBOL ON OFFICIAL CHARTS.

PROVISION 5

OPTION A

1. IN LOCALITIES WHERE THE COASTLINE IS DEEPLY INDENTED AND CUT INTO, OR IF THERE IS A FRINGE OF ISLANDS ALONG THE COAST IN ITS IMMEDIATE VICINITY, THE METHOD OF STRAIGHT BASELINES JOINING APPROPRIATE POINTS MAY BE EMPLOYED IN DRAWING THE BASELINE FROM WHICH THE BREADTH OF THE TERRITORIAL SEA IS MEASURED. WHERE BECAUSE OF THE PRESENCE OF A DELTA OR OTHER NATURAL CONDITIONS THE COASTLINE IS HIGHLY UNSTABLE, THE APPROPRIATE POINTS MAY BE SELECTED ALONG THE FURTHEST SEAWARD EXTENT OF THE LOW-WATER LINE AND, NOTWITHSTANDING SUBSEQUENT REGRESSION OF THE LOW-WATER LINE, SUCH BASELINES SHALL REMAIN EFFECTIVE UNTIL CHANGED BY THE COASTAL STATE IN ACCORDANCE WITH THIS CONVENTION.

2. A COASTAL STATE MAY EMPLOY THE METHOD OF MIXED BASELINES, I.E., DRAWING THE BASELINE IN TURN BY THE METHODS PROVIDED FOR IN ARTICLE ... AND THIS ARTICLE TO SUIT DIFFERENT CONDITIONS.

OPTION B

IN LOCALITIES WHERE THE COASTLINE IS DEEPLY INDENTED AND CUT INTO OR IF THERE IS A FRINGE OF ISLANDS ALONG THE COAST IN ITS IMMEDIATE VICINITY OR IF THE WATER ADJACENT TO THE COAST IS MARKED BY CONTINUAL PROCESS OF ALLUVION AND SEDIMENTATION CREATING A HIGHLY UNSTABLE LOW WATER LINE THE METHOD OF STRAIGHT BASELINES

UNCLASSIFIED

PAGE 03 STATE 080631

JOINING APPROPRIATE POINTS ON THE COASTS OR ON THE COASTAL WATERS MAY BE EMPLOYED IN DRAWING THE BASELINE FROM WHICH THE BREADTH OF THE TERRITORIAL SEA IS MEASURED.

PROVISION 6

THE DRAWING OF SUCH BASELINES MUST NOT DEPART TO ANY

APPRECIABLE EXTENT FOR THE GENERAL DIRECTION OF THE COAST, AND THE SEA AREAS LYING WITHIN THE LINES MUST BE SUFFICIENTLY CLOSELY LINKED TO THE LAND DOMAIN TO BE SUBJECT TO THE REGIME OF INTERNAL WATERS.

PROVISION 7

STRAIGHT BASELINES SHALL NOT BE DRAWN TO AND FROM LOW-TIDE ELEVATIONS, UNLESS LIGHTHOUSES OR SIMILAR INSTALLATION WHICH ARE PERMANENTLY ABOVE SEA LEVEL HAVE BEEN BUILT ON THEM OR EXCEPT IN INSTANCES WHERE THE DRAWING OF BASELINES TO AND FROM SUCH ELEVATIONS HAS RECEIVED GENERAL INTERNATIONAL RECOGNITION.

PROVISION 8

WHERE THE METHOD OF STRAIGHT BASELINES IS APPLICABLE UNDER THE PROVISIONS OF () ACCOUNT MAY BE TAKEN, IN DETERMINING PARTICULAR BASELINES, OF ECONOMIC INTERESTS PECULIAR TO THE REGION CONCERNED, THE REALITY AND THE IMPORTANCE OF WHICH ARE CLEARLY EVIDENCED BY A LONG USAGE.

PROVISION 9

THIS PROVISION HAS BEEN INCLUDED UNDER PROVISION 5.

PROVISION 10

THE SYSTEM OF STRAIGHT BASELINES MAY NOT BE APPLIED BY A STATE IN SUCH A MANNER AS TO CUT OFF FROM THE HIGH SEAS THE TERRITORIAL SEA OF ANOTHER STATE.

UNCLASSIFIED

UNCLASSIFIED

PAGE 04 STATE 080631

PROVISION 11

THE COASTAL STATE MUST CLEARLY INDICATE STRAIGHT BASELINES ON CHARTS, SUPPLEMENTED BY A LIST OF GEOGRAPHICAL COORDINATES OF POINTS, DEPOSITED WITH THE SECRETARY GENERAL OF THE UNITED NATIONS WHO SHALL GIVE DUE PUBLICITY THEREON

PROVISION 12'

1. WATERS ON THE LANDWARD SIDE OF THE BASELINE OF THE TERRITORIAL SEA FORM PART OF THE INTERNAL WATERS OF THE STATE.

2. WHERE THE ESTABLISHMENT OF A STRAIGHT BASELINE IN

ACCORDANCE WITH () HAS THE EFFECT OF ENCLOSING AS INTERNAL WATERS AREAS WHICH PREVIOUSLY HAD BEEN CONSIDERED AS PART OF THE TERRITORIAL SEA OR OF THE HIGH SEAS, A RIGHT OF INNOCENT PASSAGE, AS PROVIDED IN () SHALL EXIST IN THOSE WATERS. (FOOTNOTE THIS PROVISION IS WITHOUT PREJUDICE TO ITEM 16 OR OTHER RELATED ITEMS).

PROVISION 13

IF A RIVER FLOWS DIRECTLY INTO THE SEA, THE BASELINE SHALL BE A STRAIGHT LINE ACROSS THE MOUTH OF THE RIVER BETWEEN POINTS ON THE LOW-TIDE LINE OF ITS BANKS. THE COASTAL STATE MUST CLEARLY INDICATE THESE BASELINES ON LARGE-SCALE CHARTS DEPOSITED WITH THE SECRETARY GENERAL OF THE UNITED NATIONS, WHO SHALL GIVE DUE PUBLICITY THERETO.

PROVISION 14

1. THIS () RELATES ONLY TO BAYS THE COASTS OF WHICH BELONG TO A SINGLE STATE.

2. FOR THE PURPOSES OF THESE () A BAY IS A WELL-MARKED INDENTATION WHOSE PENETRATION IS IN SUCH PROPORTION TO THE WIDTH OF ITS MOUTH AS TO CONTAIN LAND-LOCKED WATERS AND CONSTITUTE MORE THAN A MERE CURVA-
UNCLASSIFIED

UNCLASSIFIED

PAGE 05 STATE 080631

TURE OF THE COAST. AN INDENTATION SHALL NOT, HOWEVER, BE REGARDED AS A BAY UNLESS ITS AREA IS AS LARGE AS, OR LARGER THAN, THAT OF THE SEMI-CIRCLE WHOSE DIAMETER IS A LINE DRAWN ACROSS THE MOUTH OF THAT INDENTATION.

3. FOR THE PURPOSE OF MEASUREMENT, THE AREA OF AN INDENTATION IS THAT LYING BETWEEN THE LOW-WATER MARK AROUND THE SHORE OF THE INDENTATION AND A LINE JOINING THE LOW-WATER MARK OF ITS NATURAL ENTRANCE POINTS. WHERE, BECAUSE OF THE PRESENCE OF ISLANDS, AN INDENTATION HAS MORE THAN ONE MOUTH, THE SEMI-CIRCLE SHALL BE DRAWN ON A LINE AS LONG AS THE SUM TOTAL OF THE LENGTHS OF THE LINES ACROSS THE DIFFERENT MOUTHS. ISLANDS WITHIN TAN INDENTATION SHALL BE INCLUDED AS IF THEY WERE PART OF THE WATER AREA OF THE INDENTATION.

PROVISION 15

IF THE DISTANCE BETWEEN THE LOW-WATER MARKS OF THE NATURAL ENTRANCE POINTS OF A BAY DOES NOT EXCEED TWENTY-FOUR MILES A CLOSING LINE MAY BE DRAWN BETWEEN THESE TWO LOW-WATER MARKS, AND THE WATERS ENCLOSED

THEREBY SHALL BE CONSIDERED AS INTERNAL WATERS.

PROVISION 16

WHERE THE DISTANCE BETWEEN THE LOW-WATER MARKS OF THE NATURAL ENTRANCE POINTS OF A BAY EXCEEDS TWENTY-FOUR MILES A STRAIGHT BASELINE OF TWENTY-FOUR MILES SHALL BE DRAWN WITHIN THE BAY IN SUCH A MANNER AS TO ENCLOSE THE MAXIMUM AREA OF WATER THAT IS POSSIBLE WITH A LINE OF THAT LENGTH.

PROVISION 17

THE FOREGOING BEGIN BRACKET PROVISIONS 14 TO 16 END BRACKET SHALL NOT APPLY TO SO-CALLED "HISTORIC" BAYS, OR IN ANY CASE WHERE THE STRAIGHT BASELINE SYSTEM PROVIDED FOR IN () IS APPLIED.

PROVISION 18

UNCLASSIFIED

UNCLASSIFIED

PAGE 06 STATE 080631

FOR THE PURPOSE OF DELIMITING THE TERRITORIAL SEA, THE OUTERMOST PERMANENT HARBOUR WORKS WHICH FORM AN INTEGRAL PART OF THE HARBOUR SYSTEM SHALL BE REGARDED AS FORMING PART OF THE COAST. OFFSHORE INSTALLATIONS AND ARTIFICIAL ISLANDS SHALL NOT BE CONSIDERED AS PERMANENT HARBOUR WORKS.

PROVISION 19

ROADSTEADS WHICH ARE NORMALLY USED FOR THE LOADING, UNLOADING, AND ANCHORING OF SHIPS, AND WHICH WOULD OTHERWISE BE SITUATED WHOLLY OR PARTLY OUTSIDE THE OUTER LIMIT OF THE TERRITORIAL SEA, ARE INCLUDED IN THE TERRITORIAL SEA. THE COASTAL STATE MUST CLEARLY DEMARCATÉ SUCH ROADSTEADS AND INDICATE THEM ON CHARTS TOGETHER WITH THEIR BOUNDARIES, TO WHICH DUE PUBLICITY MUST BE GIVEN.

PROVISION 20

1. AT LOW-TIDE ELEVATION IS A NATURALLY FORMED AREA OF LAND WHICH IS SURROUNDED BY AND ABOVE WATER AT LOW-TIDE BUT SUBMERGED AT HIGH TIDE. WHERE A LOW-TIDE ELEVATION IS SITUATED WHOLLY OR PARTLY AT A DISTANCE NOT EXCEEDING THE BREADTH OF THE TERRITORIAL SEA FROM THE MAINLAND OR AN ISLAND, THE LOW-WATER LINE ON THAT ELEVATION MAY BE USED AS THE BASELINE FOR MEASURING THE BREADTH OF THE TERRITORIAL SEA.

2. WHERE A LOW-TIDE ELEVATION IS WHOLLY SITUATED AT
A DISTANCE EXCEEDING THE BREADTH OF THE TERRITORIAL
SEA FROM THE MAINLAND OR AN ISLAND, IT HAS NO TERRITORIAL
SEA OF ITS OWN. END TEXT. DALE

UNQTE
KISSINGER

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, COMMITTEES, MEETING DELEGATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 09 APR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE080631
Document Source: CORE
Document Unique ID: 00
Drafter: OESKIN
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750124-0782
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750466/aaaacipo.tel
Line Count: 285
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN DLOS
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 27 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <27 JUN 2003 by RuthemTJ>; APPROVED <11 FEB 2004 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS: COMMITTEE II WORKING GROUP ON BASELINES FROM USDEL LOS
TAGS: PLOS
To: DACCA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006